

**123.131 Authority under class “B” beer permit.**

1. Subject to the provisions of [this chapter](#), any person holding a class “B” beer permit shall be authorized to sell beer for consumption on or off the premises. Sales of beer for consumption off the premises made pursuant to [this section](#) shall be made in original containers except as provided in [subsection 2](#). However, unless otherwise provided in [this chapter](#), no sale of beer shall be made for consumption on the premises unless the place where such service is made is equipped with tables and seats sufficient to accommodate not less than twenty-five persons at one time.

2. Subject to the rules of the division, sales of beer for consumption off the premises made pursuant to [this section](#) may be made in a container other than the original container only if the container is carried into an immediately adjacent premises covered by a license or permit that authorizes the consumption of beer, temporarily closed public right-of-way, or a private place, or if all of the following requirements are met:

a. The beer is transferred from the original container to the container to be sold on the licensed premises at the time of sale or when sold by telephonic or other electronic means.

b. The person transferring the beer from the original container to the container to be sold shall be eighteen years of age or more.

c. The container to be sold shall be no larger than seventy-two ounces.

d. The container to be sold shall be securely sealed by a method authorized by the division that is designed so that if the sealed container is reopened or the seal tampered with, it is visibly apparent that the seal on the container of beer has been tampered with or the sealed container has otherwise been reopened.

3. A container of beer other than the original container that is sold and sealed in compliance with the requirements of [subsection 2](#) and the rules of the division shall not be deemed an open container subject to the requirements of [sections 321.284](#) and [321.284A](#) if the sealed container is unopened and the seal has not been tampered with, and the contents of the container have not been partially removed.

4. A person holding a class “B” beer permit and a class “A” beer permit whose primary purpose is manufacturing beer may purchase wine from a wholesaler holding a class “A” wine permit for sale at retail for consumption on the premises covered by the class “B” beer permit.

5. A person holding a class “B” beer permit may also hold a special class “A” beer permit for the premises licensed under a class “B” beer permit for the purpose of operating as a brewpub pursuant to [this chapter](#).

[C35, §1921-f106; C39, §**1921.107**; C46, 50, 54, 58, 62, 66, 71, §124.12; C73, 75, 77, 79, 81, §123.131]

[2016 Acts, ch 1073, §40](#); [2017 Acts, ch 119, §28](#); [2018 Acts, ch 1060, §64](#); [2018 Acts, ch 1172, §61](#); [2019 Acts, ch 113, §43](#); [2020 Acts, ch 1114, §14, 16](#)

Referred to in [§123.124](#), [123.130](#), [123.177](#)

Subsection 2, paragraph a amended